

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i>
v.
CHRISTOPHER WILLS, <i>Defendant-Appellant.</i>

No. 01-7725

Appeal from the United States District Court
for the District of Maryland, at Baltimore.
Frederic N. Smalkin, Chief District Judge.
(CA-99-52-S)

Submitted: April 29, 2002

Decided: May 10, 2002

Before WIDENER, MOTZ, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Arcangelo M. Tuminelli, Baltimore, Maryland, for Appellant.
Thomas M. DiBiagio, United States Attorney, Tarra DeShields-Minnis, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Christopher Wills appeals the district court order denying his motion for reconsideration of the denial of his motion for modification of his sentence under 18 U.S.C.A. § 3582(c)(2) (West 2000). Wills argued he qualified for a sentence reduction under Sentencing Guidelines Amendment 599, *U.S. Sentencing Guidelines Manual* App. C (Supp. 2000), which amended the application notes of USSG § 2K2.4. The district court found Wills was not entitled to a reduction of sentence as a matter of law. Finding no reversible error, we affirm.

The district court's legal interpretation of Amendment 599 is reviewed de novo. *See United States v. Turner*, 59 F.3d 481, 484 (4th Cir. 1995). Commentary interpreting or explaining a guideline is authoritative unless it violates federal law or is inconsistent with or a plainly erroneous reading of the guideline. *See Stinson v. United States*, 508 U.S. 36, 38 (1993).

Amendment 599 clarified "under what circumstances defendants sentenced for violations of 18 U.S.C. § 924(c) in conjunction with convictions for other offenses may receive weapon enhancements contained in the guidelines for those other offenses." USSG App. C, Amendment 599, comment. (backg'd). We have reviewed the record and the language of the amended guideline and find Wills is not entitled to a reduction of sentence under a plain reading of the text. *See United States v. Dixon*, 273 F.3d 636, 643-44 (5th Cir. 2001), *petition for cert. filed*, ___ U.S.L.W. ___ (U.S. Apr. 3, 2002) (01-9579).

Accordingly, we affirm. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED